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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,910	02/20/2004	Eric Peyrucain	17307.04104	5420
24257	7590	09/21/2005	EXAMINER	
STEVENS DAVIS MILLER & MOSHER, LLP 1615 L STREET, NW SUITE 850 WASHINGTON, DC 20036			HOLZEN, STEPHEN A	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,910

Applicant(s)

PEYRUCAIN ET AL.

Examiner

Stephen A. Holzen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 14-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/2/2005 have been fully considered but they are not persuasive.
2. Applicant has argued that Harenberg does not teach a non-precision approach. Applicant has defined a non precision approach in the specification on page 1, lines 16-24 to mean that an ILS is not available, or only partially available. (see page 1, lines 6 and 18). The examiner asserts that Harenberg is concerned with a non-precision approach as defined by the applicant and states an ILS system is no operational during operations. (see Col. 2, lines 42)
3. Applicant has further argued that Harenberg does not display an assisted approach mode as defined on page 1, lines 26-32 of the specification. The examiner disagrees and assert that Harenberg discloses
 - a. Determining the virtual approach path (see Col. 4, lines 3-15)
 - b. Calculating deviations from the virtual approach path (uncertainties of the touchdown point)
 - c. Presenting these deviations to the pilot (the uncertainties are displayed on the monitor as illustrated in Figures 2-7)
4. Therefor the examiner believes that Harenberg does teach all the limitations as claimed in the impendent claims.
5. Applicant has argued that Harenberg does not select a first-fourth approach category based on simultaneously verifying the claimed conditions. The examiner

agrees with this assertion. While Harenberg does disclose simultaneous monitoring of all the autopilot systems his disclosure is silent as to what all these claimed conditions are, and does not specifically state that the claimed conditions dictate the type of approach. While the examiner understands that many of these conditions may be inherently verified, the examiner was not able to properly assert inherency. The rejection of claims 14-17 has been withdrawn.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 11-13, 18, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Harenberg Jr. et al (3,789,356).

Re – Claims 11,18-20: Harenberg discloses a method that operates the following steps simultaneously: verifying conditions relating to the correct function of a plurality of equipment of the aircraft and to the integrity and precision of measurements of parameters used for implementing the non-precision approach, based on information coming from the plurality of equipment (see Col. 3, lines 44-47), selecting an appropriate approach (see Col. 3, lines 1-6, and inherent), presenting the selected approach category on a display screen (display 15), wherein each non-precision

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approach category defines the approach mode is an assisted approach modes (see Col. 2, line 42)

Re – the inherency assertion: It is inherent that an aircraft autopilot selects the most appropriate landing routine to safely land the aircraft. An autopilot will take into consideration the instant parameters of flights (speed, altitude, air conditions, rate of decent, weather conditions, and wind speed).

Re – Claims 12-13: Harenberg et al discloses a performance and failure assessment monitor #12. The failure assessment monitor is connected to “literally hundreds of inputs from sensors (each necessarily having their own circuitry and control) throughout the aircraft. The monitor operates on these inputs to generate signal representative of the position of the aircraft with respect to the runway. (see Col. 1, lines 58-65). Necessarily the autopilot of Harenberg would include: gyroscopes, air temperature sensors, wind speed sensors, fuel gauges, airspeed, groundspeed, altitude sensors, and horizontal distance sensors.

Allowable Subject Matter

8. Claims 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 571-272-6903. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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